

ZB# 84-19

Francesco Petronella

35-1-3.3

84-19- Leonella, Francisco.

Prelim:

Sept. 24th.

P.H. Notice mailed
10/1/84. to Sentinel ✓

Note: ~~Check due \$25.00~~
(Application fee) pd.

Public Hearing:

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

FRANCESCO PETRONELLA,

DECISION DENYING
USE VARIANCE

84-19.
-----x

WHEREAS, FRANCESCO PETRONELLA of 75 Harth Drive, New Windsor, N. Y., has made application before the Zoning Board of Appeals for a use variance for the purposes of: in R-4 zone to keep three (3) horses on premises located on westside of Riley Road / ; and

WHEREAS, a public hearing was held on the 22nd day of October, 19 84 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself

_____; and

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows: that applicant has 4 acres+ property located on Riley Road in an R-4 zone and that two (2) horses are permitted accessory uses in residential zone as long as the animals are maintained 75 feet from any lot line.

3. The evidence shows: that there is no dollar and cents proof of hardship, which is required in such case.

4. The evidence shows: _____

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would ^{not} /deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is ^{not} /due to unique circumstances and ~~not~~ general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does ~~not~~ alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor Denies a use variance as applied for and in connection with plans presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: December 10, 1984.


Chairman

PAT's Copy

PUBLIC HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York will hold a Public Hearing
pursuant to Section 48-34A of the
Zoning Ordinance on the follow-
ing proposition:
Appeal No. 19
Request of FRANCESCO
PETRONELLA for a VARI-
ANCE of the regulations of the
Zoning Ordinance to permit to
keep three (3) horses on prem-
ises containing 4 acres of land,
being a VARIANCE of Section
48-9a Table of Use Regulations,
-Col. C for property situated as
follows:
West side of Riley Road, Town
of New Windsor, New York.
(Section 35 Block 1 Lot 3.3)
SAID HEARING will take place
on the 22nd day of October, 1984
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 7:30 o'clock
p.m.
DANIEL P. KONKOL
chairman
by PATRICIA DELIO Secretary

State of New York

County of Orange, ss:

Everett W. Smith, being duly sworn

disposes and says that he is

Publisher of the E.W. Smith

Publishing Company, Inc. publisher

of The Sentinel, a weekly newspaper

published and of general circulation

in the Town of New Windsor, and that

the notice of which the annexed is

a true copy was published once

in said newspaper, commencing on

the 4th day of October A.D., 1984

and ending on the 4th day of October

A.D. 1984

Subscribed and shown to before me

this 23rd day of Jan., 1985

Patricia Delio

Notary Public of the State of New York
County of Orange.

My commission expires March 30, 1985

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1985

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

①

Prelim. meeting

7:30 -
9/24/84

84-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date August 23, 1984

To Francesco & Susan Petrone 562-3462
75 Hawth Dr
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated August 23, 1984

for permit to have 3 horses

at the premises located at West Side of Pielly Rd

Tax Map Section 35 Block 1 Lot 3.3

is returned herewith and disapproved on the following grounds:

Accessory Permitted use in a Residential zone (F.P. Col C, #9)
Domestic Animals - permits 2 horses over 6 mo old provided
they are maintained 75' from any lot line. - 4 acres

Note

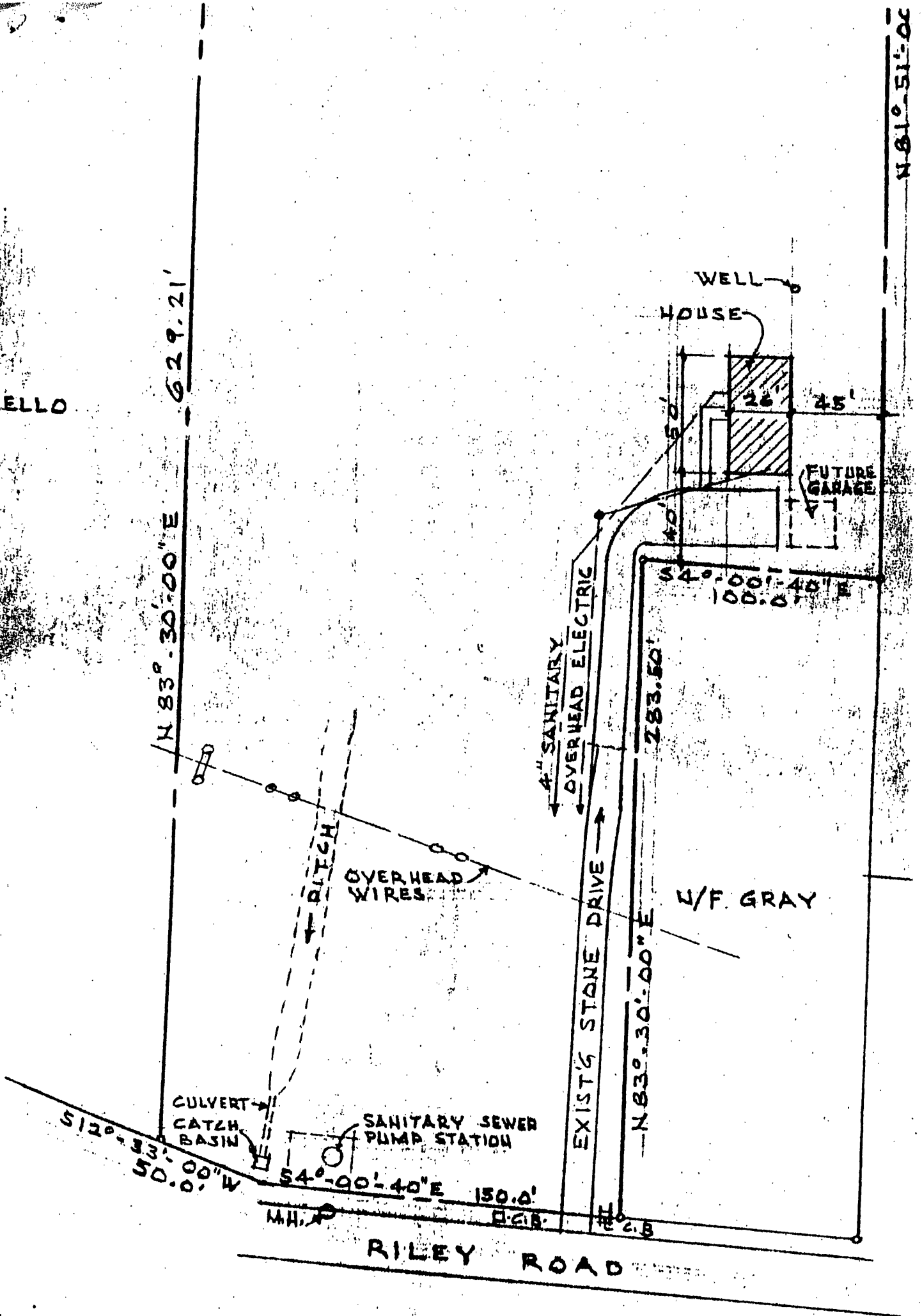
Applicant has ample room but
desires one additional horse
for a total of 3

John P. Kennedy
Building Inspector

(Applicant has
no horses at
this time.)

Variance for addl.
horse.

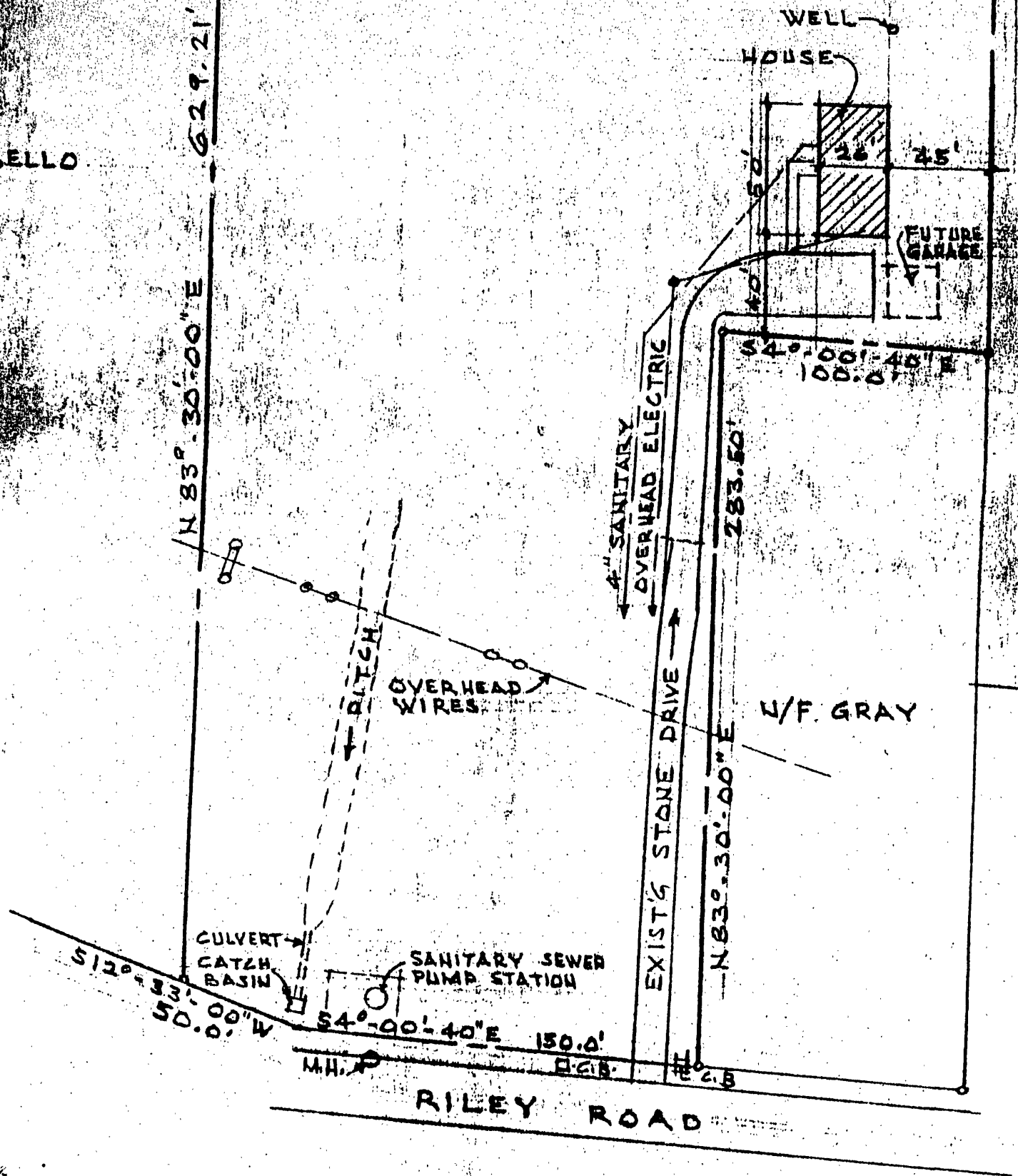
R BELLO



SITE PLAN

SCALE: 1" = 50'

R BELLO



SITE PLAN

SCALE : 1" = 50'

SITE PLAN IS BASED ON A SURVEY BY
ALBERT R. SPARACO JR., L.L.S. #46565,

WINDSOR BUILDING INSPECTOR
CENTRAL HUDSON G/E Co.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

84-19

Date: 9/28/84

I. ✓ Applicant Information:

- (a) ✓ Francesco Petronella, 75 Hawth Dr., New Windsor, N.Y. ✓
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II: Application type:

- ☒ Use Variance ☐ Sign Variance
- ☐ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 West side of Riley Rd. 35-1-3.3 4 acres ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? -
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1979-
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes - 8/23/84
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Storage shed.

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs. Regs., Col. C, to allow:
(Describe proposal) Applicant would like to have
3 horses on premises.

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Applicant has sufficient acreage (4 acres±)

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Animals will be fenced in, within 75 ft. of the property line.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ *N/A* Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ *N/A* Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 9/28/84

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

X Francis Petronell
(Applicant)

Sworn to before me this

28th day of Sept., 1985.

Patricia Delio

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1985

XI. ZBA Action: _____

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Memo

FROM:

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12550

TO:

TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

DATE: 10/23/84

SUBJECT:

ACTION TAKEN AT PUBLIC HEARINGS BEFORE ZBA

---FOLD HERE---

Please be advised that the following actions were taken by the ZBA at the meeting held on October 22, 1984:

- (1) YEATON, WILLIAM - Granted
- (2) ~~PETRONELLA, FRANCISCO~~ - Denied
- (3) LUCAS, MICHAEL & ARLENE - Denied

All copies of applications and hearing notices were previously furnished to your Board.

Patricia Delio

Patricia Delio, Secretary

/pd

cc: Applicants

by _____

Memo FROM: ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

DATE: 10/23/84

SUBJECT: ACTION TAKEN AT PUBLIC HEARINGS BEFORE ZBA

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All copies of applications and hearing notices were previously furnished to your Board.

Patricia Delio
Patricia Delio, Secretary

/pd

Applicants

by



1763

Petronello

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(17)

October 9, 1984

Francesco & Susan Petronello
75 Harth Drive
New Windsor, NY 12550

Re: 35-1-3.3

Dear Mr. & Mrs. Petronello:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$40.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Christian E. Jahrling

CHRISTIAN E. JAHRLING
SOLE ASSESSOR
Town of New Windsor

CEJ/po
Attach.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Drescher, Peter
RD #2, Riley Road
New Windsor, NY 12550

✓ Coluccio, Vincent & Rose
✓ 64 Chestnut Lane
Newburgh, NY 12550

✓ Salmeri, Vincent
✓ RD #2, Riley Road
New Windsor, NY 12550

✓ Sorbello, Vincent A. & Patricia
✓ RD #2, Riley Road
New Windsor, NY 12550

✓ Infante, Anthony S.,
✓ Byron T., Philip J.
✓ RD #2, Riley Road
New Windsor, NY 12550

✓ Infante, Philip J. & Winifred M.
✓ RD #2, Riley Road, Box 204
New Windsor, NY 12550

✓ Muller, William E. & Gloria J.
✓ RD #2, Riley Road
New Windsor, NY 12550

✓ Romanowski, Craig A. & Arden A.
✓ Shaw Road
Rock Tavern, NY 12575

✓ Donohue, Peter R. & Mary J.
✓ RD #2, Kings Drive
New Windsor, NY 12550

✓ Sorbello, Anthony T. & Vincenzia
✓ RD #2, Riley Road,
New Windsor, NY 12550

✓ 7 Acres Sportsmen Club, Inc.
✓ c/o Philip Infante
✓ RD #2, Riley Road, Box 204
New Windsor, NY 12550

✓ Salmeri, Stephen & Rose
✓ RD #2, Riley Road, Box 207
New Windsor, NY 12550

✓ Gray, Edythe
✓ RD #2, Riley Road, Box 206
New Windsor, NY 12550

✓ Marra, Anthony & Angelina
✓ 3507 32nd Street
Astoria, NY 11106

✓ Frontera, Madelena G.
✓ Box 286, RD #2, Riley Road
New Windsor, NY 12550

✓ NYC Dept. of Water Supply
✓ D E P Audits & Accounts
Attn: Supervisor of Real Estate
Tax Disbursements
346 Broadway, Room 901
New York, NY 10013

✓ Newburgh Water Supply
✓ City Comptroller
City Hall
Newburgh, NY 12550

Received & filed
10/22/84. ZBA

October 22, 1984

Zoning Board of Appeals
Town of New Windsor
New Windsor, New York 12550

Dear Mr. Konkol,

Although we are unable to appear in person we would like it known that we are not in favor of the request to keep three horses on the premises of Mr. Francesco Petronella. As Chairman, we trust you will look closely into this issue.

Sincerely yours,

Vincent Sorbello

Patricia Sorbello

Vincent & Patricia Sorbello
R.D. 2 Riley Rd. Box 205
New Windsor, New York 12550

JEAN M. VAN VOORHIS
Notary Public, State of New York
No. 4504952
Qualified in Orange County
My Commission expires Mar. 30, 1985

On October 22, 1984 Appeared Vincent Sorbello
Patricia Sorbello
Jean M. Van Voorhis
Notary

10/22/84 Public Hearing: Petronella, Francesco

Name:

Address:

Anthony Sorbello ^{objection}_{to horses.} R.D. 2 Riley Rd. Box 227

Jennie Sorbello " R.D. 2 Riley Rd. Box 227

Giuseppa Fruterg ^{objection} 224 RICEY RD.

Memo FROM: ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

DATE: 10/10/84

SUBJECT: PUBLIC HEARINGS BEFORE ZBA - October 22, 1984

--FOLD HERE--

Please be advised that there are three (3) public hearings scheduled before the ZBA on Monday evening, October 22, 1984 at 7:30 p.m. as follows:

Matter of Application of (1) YEATON, WM.
(2) PETRONELLA, F.
(3) LUCAS, MICHAEL

I have attached hereto copies of the pertinent applications together with public hearing notices for each of the above matters.

Pat
Pat

/pd

Enclosures

by _____

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 19

Request of FRANCESCO PETRONELLA

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit to keep three (3) horses on premises
containing 4 acres of land,

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9 - Table of Use Regulations, - Col. C
for property situated as follows:

West side of Riley Road, Town of New Windsor,
New York. (Section 35-Block 1- Lot 3.3)

SAID HEARING will take place on the 22nd day of
October, 1984, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman